

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Nathaniel Hallman,

Plaintiff,

vs.

Mrs. Lewis, Officer.

Defendant.

Civil Action No. 6:11-907

ORDER


This matter involves a *pro se* civil action brought by Plaintiff seeking relief pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) against a correctional officer at the Federal Correctional Institution in Bennettsville, South Carolina for alleged deprivations of his constitutional rights as a prisoner. This matter was referred to the Magistrate Judge for all pre-trial handling pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C. Defendant moved to dismiss this action on a variety of grounds, including a failure to exhaust administrative remedies. (Dkt. No. 25). Plaintiff subsequently also moved to dismiss the action without prejudice. (Dkt. No. 34).

The Magistrate Judge issued a Report and Recommendation ("R & R") on April 18, 2012 recommending that the Plaintiff's motion to dismiss without prejudice be granted pursuant to FRCP 41(a)(2) and that Defendant's motion to dismiss be declared moot. (Dkt. No. 44). The parties were advised that they had 14 days to file written objections to the R & R and the failure to file timely written objections would result in limited review by the District Court and a waiver

of the right to appeal. *Id.* at 4. No party filed a timely objection to the R & R.

The Court has reviewed the R & R, the record before the Court and the applicable case law. The Court finds that the R & R comprehensively addresses the factual and legal issues before the Court and hereby adopts the R & R as the order of the Court. Therefore, the Court **GRANTS** Plaintiff's motion to dismiss without prejudice (Dkt. No. 34) and declares Defendant's motion to dismiss (Dkt. No. 25) **MOOT**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

May 9, 2012
Charleston, South Carolina